

CONSERVATION COMMISSION
REGULAR MEETING MARCH 19, 2013
CONFERENCE ROOM L 101

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotapes on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:03 p.m. and noted Commissioners Clark, Igielski , Sadil, Shapiro and Zelek were present. Also present was Greenlaw, Town Engineer.

ITEM III
ACCEPTANCE OF MINUTES

Regular Meeting of February 19, 2013

Commissioner Igielski noted that the minutes were approved at the Special Meeting of February 28, 2013.

Special Meeting of February 26, 2013

Commission members made the following corrections:

Page 5, 5th paragraph, line 2 should read “wrong, but 10.6....regulated activity is outside of the wetlands, okay, it has to be likely”.

Page 10, 1st paragraph, line 1 should read “material put in. Then...through the maze ([inaudible]) of roots”

Page 10, 1st paragraph, line 5 should read “Kathleen’s point is...as to how long it takes for that 80 percent to occur (occurs). So if”

Page 10, 1st paragraph, line 3 from the bottom should read “conditions adequate to, over a long term time, to maintain the protected the protected quality of the wetlands? I”

Page 11, 4th Paragraph, line 1 should read “Chairman Block: Well eutrophication (etrofication) is generally understood...accumulation of organic”

Page 11, 4th paragraph, line 2 should read “material within the body of water such as to (the) change (changes) the condition from being physically open water”

Page 12, 7th paragraph, line 1 should read “Chairman Block: My two cents in this is because we are (we’re) not, talking about a closed”

Page 13, 5th paragraph, line 1 should read “Commissioner Clark: And that’s in the, from DEP, states (starts) bio-diversity of Cedar Mountain”

Page 13, 6th paragraph, line 2 from the bottom should read “next to last condition (conditions) is the most important balancing point...to go. So, is there a”

Page 14, 2nd paragraph from the bottom, line 2 should read “grounds that would be able to articulate for carrying (caring) beyond that distance and be comfortable”

Page 17, 8th paragraph, line 2 should read “as to whether or not they want to get additional to address that (the) view”.

Page 17, 10th paragraph, line 2 should read” harping that we should all be cognizant of the fact (it is going to be), it’s possible that this is”

Page 19, 2nd paragraph, line 7 should read “unit or replace it with that which they (we) assert is a much greater number. So therefore the net water”

Page 20, 8th paragraph, line 1 should read Chris Greenlaw (Clark): Yes, and I want to expand on that, and at the time of that meeting, what we”

Page 22, 8th paragraph, last line should read “and three is a critical element in (of) maintaining the physical characteristics of these wetlands.”

Page 24, 4th paragraph, line 1 should read ‘Chairman Block: Well they are not supposed to be disturbing it, and if they get disturbed. It’s”

Page 24, 7th paragraph, line 2 should read “we’ve had testimony that on the western side you have a diked (diking) area that is holding back some of”

Page 25, 1st paragraph, line 2 should read “working in that area, but if something that they do affects it, they have to pick it up and put it back and”

Page 28, 8th paragraph, line 2 should read “during the process of drilling the bore (boor) holes for the actual blast, so that’s at the very onset if you”

M0tion made by Commissioner Zelek to accept the minutes as corrected and was seconded by Commissioner Igielski. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Special Meeting of February 28, 2013

Commissioner Clark noted for the record that she waiting for a hard copy of the minutes from the Office of the Town Clerk.

Commission members made the following corrections:

Page 4, 10th paragraph, line 1 should read “Chairman Block: No, the storm water treatment train as we have been told is a separate system”

Page 10, 4th Paragraph, Line 2 should read “substrate (sub straight) that goes to the bedrock.”

Page 10, 5th paragraph, Line 7 should read “order that while they are starting their blasting program that if there is any chance ({inaudible}) that the”

Page 17, 6th paragraph, line 7 should read “2013, subsequent discussion by Commission members and (in) meeting the goals outlined in Section”

Page 19, 2nd paragraph, lines 6 and 7 should read “test blast data, as to their finding and opinions as to the blasting parameters and techniques, utilized per d above and any and all alterations (alteration) to the blasting plan for”

Page 19, 9th paragraph, line 1 should read “b. Provide regular reports and methods (proposals) ({proposals}) to mitigate stressors and protect”

Page 22, 3rd paragraph from bottom of page should read “Commissioners (Commission): No, no, no, hold on”

Page 26, 1ST Paragraph, Line 4 should read “engineer for his ability to organize these meetings and to act as a librarian for the tomes (tones) of”

Page 26, 2nd Paragraph’ Line 5 should read “shared (sheer) goal of protecting the precious resources. I also applaud the courage of the past”

Page 28, 2nd Paragraph, Line 10 should read “obligate species which in turn (term) would have an impact on the wetland characteristics. So we have”

Page 29, 1st paragraph, line 2 should read “Although pointed out during the (days of the) public hearing, it did not appear to be of significance until the topic”

Page 29, 1st Paragraph, Line 10 should read “End quote (quoe). Now that was by a geological expert, and we cited that expert earlier in the meeting,”

Page 32, Line at bottom of page should read “Hosely on January 8th, 2013 (2012) on page 33, makes a similar comment saying that he is comfortable”

Page 33, 1st Paragraph, 5th Line from the bottom of page should read “and driveway (drive) water being directed towards Russell Road by a storm water management basins”

Page 33, 2nd Paragraph, Line 5 should read “with two primary concerns. The first is my basic understanding on that as an American that people should be”

Page 32, 2nd Paragraph, Line 7 should read “always consider (considered) this land to be useable and they ignored it. And we reap the benefit of that”

Page 32, 2nd Paragraph, Lines 14 15 and 16 should read “unresponsive to ({inaudible}) the general concerns of the Town, and specifically to the wetland habitats that it contained. As the other Commissioners have said, the experts, cited (cite) the applicant in great detail has come to accept our concerns and our opinions as to the unique features of (this wetland)”

Page 32, 2nd Paragraph, Line 2 from bottom line should read “applicant to change a project midstream, an all other things that my fellow Commissioners have said,”

Page 34, 1st Paragraph, Line 5 should read “feature. And has been asked (stated), has the applicant demonstrated to our satisfaction that as a”

Page 35, 6th Paragraph, Line 1 should read “Commissioner Igielski: At this time I will make a motion that (of) the Commission, after review of the”

Page 53, 1st Paragraph, Line 5 should read “and 24, 2013, subsequent discussion by Commission members and in meeting the goals outlined in”

Page 53, 1st Paragraph, Lines 8 and 9 should read “conditions, these conditions (condition) having been previously read into the record this evening and subject to the following additional conditions, these additional (conditional) conditions having been previously read into the”

Page 34, last page of minutes, should read Page 37.

Motion made by Commissioner Zelek to table the minutes and was seconded by Commissioner Sidal. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Dwayne Alexander, 58 Burdon Lane made reference to the confusion that occurred at the Special Meeting of February 28, 2013, when Commission members (except for Commission Igielski) voted to approve a Permit by Plenary for the Toll Brothers Application: when they thought they were voting on approving modifications to the proposed suggested conditions. (Note: The Commission later rescinded the vote and then voted to deny a permit). He suggested a procedure that if followed by the Commission would in his opinion significantly reduced the potential of the re-occurrence of a similar event in the future (listen to audio tape for the details of his proposal).

ITEM V

NEW BUSINESS: NONE

ITEM VI A

Application 2013-01, 40 Commerce Court

Mr. Alan Bongiovanni, President, BGI Group' and representing the applicant, Progressive Insurance, noted that he appeared before the Commission last month to discuss a request to relocate a pylon sign from an upland (review) on Commerce Court to a more visible location on Fenn Road which is also in an upland (review) area that is covered by a conservation easement.

Mr. Bongiovanni passed out a plan map of the area that was copied from the Town of Newington GIS System and entered the following comments into the record:

- A. The area outlined in light green on the plan represents the conservation easement that was granted to the Town of Newington.
- B. He showed the proposed location of the sign (on Fenn Road) that was depicted on the plan.
- C. He noted that weeds (second growth) that would be cut to make the proposed sign more visible.
- D. The area under discussion is also a power right of way and the area is mowed by the company. It has the first right to go in and mow the area.
- E. If the mowing program of the power company does not provide adequate sight exposure, then the applicant would mow the area to provide visibility.

Commissioner Zelek asked Mr. Bongiovanni to provide his definition of weeds? Mr. Bongiovanni presented a picture of the area that was provided by the sign company.

Commissioner Zelek objected to the use of the presentation materials because it did not represent what exists. He has driven by the area and it is not a lawn but a lush marsh.

Mr. Bongiovanni noted that he did not alter anything on the plan. What is shown (on the plan) has been taken directly from the Town's GIS System.

Commissioner Clark asked for the definition of a conservation easement? Commissioner Zelek responded that a copy of the conservation easement has been entered into the record.

Mr. Bongiovanni presented a picture prepared by the sign company showing features that included the location of the proposed sign and the existing stop sign and Fenn Road street sign. The picture was taken standing on Commerce Court hooking westerly out to Fenn Road. The picture shows the various kinds of weeds that are mowed by the power company.

Commissioner Zelek noted that what you refer to as weeds is actual wildlife habitat.

Chairman Block asked if the plants under discussion would be considered to be of any commercial value? Mr. Bongiovanni responded they are under story growth or shrubs or brush that occurs somewhat naturally in the power right of way which also has a conservation easement over it.

Mr. Bongiovanni noted that he is asking for permission to install a sign along the side of a highway on property that is owned by the applicant.

Commissioner Zelek proceeded to read a portion of the conservation easement under discussion tonight into the record (listen to audio tape for his presentation). At the end of his presentation he said that he wanted to emphasize “present natural, scenic and open condition”.

Commissioner Zelek noted that we are being asked to permit a sign to be placed on the property and the size of the sign of eleven (11) feet high by eight (8) feet wide with double sided illumination. This kind of size in his opinion is not very scenic, the land is there and under our trust to preserve. He opposes this proposal. If there is a motion tonight to approve the proposal, he will not second it.

Mr. Bongiovanni said that he thought that there was language in the (conservation) easement relative to a sign that would allow the property owner to come back to the Commission. If that is the case, I believe it to be, it was probably always anticipated that this type of situation may arise and that permission would probably be given. It has been done before.

Mr. Bongiovanni noted that there is a directory sign which is located across the street (on Commerce court) within a conservation easement that includes the same Helco right of way and was allowed by this Commission.

Commissioner Clark asked when was that sign allowed? Mr. Bongiovanni responded that he could not provide a definite date. He recalled that it might have been around the time that Big Sky was built which would be between the mid to late 1990's.

Commissioner Shapiro asked how does your proposed sign compare to the one that you are referring to? Mr. Bongiovanni responded that our sign is smaller. The size of the other sign is 18 feet high and 16 feet wide and contains four (4) to five (5) business.

Chairman Block noted that it appears to him that at the time Commerce Court was being developed, that it was intended to use one sign at the entrance for everyone.

Mr. Bongiovanni noted that each side of Commerce Court is owned by two (2) separate parties. At that time it was not the intention to have a sign. However, the Town of Newington in the late 1990's advocated the creation of directory signs for businesses within a development to make it easier to find the location of a business. This business is only asking for the same thing; namely to put a sign on Fenn Road, a major thorough fare, within a regulated area so that their customers can find them because when the leaves sprout, the facility can't be seen from Fenn Road.

Commissioner Zelek responded that in his opinion this sign is a bill board for progressive Insurance. He does not agree with Mr. Bongiovanni's assessment and the proposed sign is bigger than the existing sign.

Chairman Block asked Commissioner Zelek if it's the size of the sign that is your objection; not the location? Commissioner Zelek responded the area before the Commission is asking for something to be put within the conservation easement. The area has a high scenic value and is a beautiful piece of land and you (the applicant) are going to destroy it.

Chairman Block noted the essence of the issue is that when the area was developed, there was no provision for all the tenants to have access to the one sign. The property owner as a dilemma in that the customers cannot find the facility.

Commissioner Zelek responded that this is not our problem.

Mr. Bongiovanni noted for the record that this is an Inland Wetland and Conservation Commission; not the Town Plan and Zoning Commission.

Chairman Block responded yes.

Chairman Block said that we will have to act on this twice (as noted below):

- A. Conservation Commission for the use of the land.

- B. Inland Wetland and Watercourses for regulated activity.

Mr. Chris Greenlaw, Town Engineer, noted that the Commission will need to wear two (2) hats.

Conservation Commission as per the land use of the conservation easement.

Inland Wetland and Watercourses relative to the specific activity within a regulated area.

Recording Secretary, Peter M. Arbur raised the question of the Commission discussing and acting on both questions under the Inland Wetland and Watercourses Agenda.

Chairman asked if we have to give adequate notice in order in order to have an official notice of action to be taken under the Conservation Commission even though it would advisory in nature.

Chairman Block asked Mr. Bongiovanni if he had any opinion on the procedural issue? Mr. Bongiovanni responded that he believes they both come under the jurisdiction of this Commission. He does not believe that notice is required to act on this matter. You only put one agenda out every month.

Commissioner Sidal asked what goes into the 21 foot number? Mr. Bongiovanni responded the number came from the sign man. His numbers (Mr. Bongiovanni) shows that the sign would be two (2) feet inside of the property line.

Mr. Bongiovanni noted the following information relative to the proposed sign:

- A. The base of the sign is 3 feet-2 inches wide and 8 inches thick.
- B. The sign its self is 8 feet wide and 2 feet-3 inches high with 9 inch letters.

Mr. Bongiovanni entered the following remarks into the record relative to wetland issues:

- A. All activity will occur within the 100 foot upland review area.
- B. The foundation for the sign would be a couple of sono-tubes placed into the ground (and connected to the concrete base for the sign).
- C. A solar powered panel would be used to light the sign. This option would eliminate the need to excavate a trench if electricity was used to light the sign.

Commissioner Clark asked how wide is the right of way, the location of the right of way and how often is it wowed? Mr. Bongiovanni responded the right of way is 150 feet wide and abuts the easterly street line of Fenn Road. He does not know the exact schedule for mowing, but from memory he would guess between 1 to 2 years. However, due the recent storms, there is a chance that frequency of mowing could be moved up.

Commissioner Zelek noted that the power lines are high and there is no threat from trees and the power lines are a pre-existing condition to the conservation easement.

Commissioner Sidal asked what is the function of the MDC manhole in the area under discussion? Mr. Bongiovanni responded that it is for a water service line that serves the factory behind it. They have a right to maintain it.

Chairman Block noted that he made a request to find out if Progressive could attach its sign to the existing sign.

Mr. Bongiovanni noted that they spent over a year trying to do it without success. The sign people spent time with Mr. Art Hanke, for guidance. He directed them back to the proposed location.

Commissioner Clark asked who is Art Hanke? Mr. Bongiovanni responded the Town's Zoning Enforcement Officer.

Chairman Block noted that the applicant has made a good faith effort within the existing regulations without success at no fault of his own.

Mr. Greenlaw read with reference to the title and authority, Section 1.3 of the ordinance that created the Inland Wetland and Watercourses authority. He consulted with the Town Attorney on this matter. He noted that we have only one application which states at the top "Inland Wetland Application. We do not have an application permit for the Conservation Commission.

Mr. Greenlaw noted that last year an application was submitted for Commence Court (for Big Sky by Mr. Joe Millet) to enclose a portion of a building (the second floor level of the building had been

built on stilts under a separate application). This building was part of the original parcel of land that included the parcel of land under discussion tonight. Only one application was submitted by the applicant. Two (2) votes were taken by the Commission; one under the Conservation Commission and the other under Inland Wetlands.

Commissioner Clark asked if the applicant owned all of the property? Mr. Bongiovanni responded that according GIS, the applicant owns 4.2 acres which included the power right of way.

Commissioner Zelek asked for the history of how the parcel of land developed over the years to include impacts to the land? Mr. Bongiovanni responded to the question (listen to audio tape for the details of his response).

Chairman Block noted that the use of the land parallel and adjacent to Fenn Road is already pre-empted by the Helco right of way and could not be used for any structural purpose.

Commissioner Zelek noted that the plight of the applicant, the economic impact and the impacts are not the problem of the Commission. He went on to explain his reasons (scenic value of the area and the natural habitat) to retain its natural state (listen to audio tape for details of his remarks).

Commissioner Clark said that she was in agreement with his assessment (listen to audiotape for details of her remarks).

Chairman Block noted that it was an unfortunate situation that one sign could not be for all parties.

Commissioner Igielski noted that there has been a lot of discussion on the (power) right of way. He is an employee of Northeast Utilities. He has had no involvement in the matter (before the Commission) and therefore, he will participate on the matter.

Commissioner Igielski noted that he agrees with all the things that Commissioner Zelek read to us that were contained in the easement. However, reading on, he noted the additional wording "the following are prohibited unless express consent is obtained from the Town through its Commission". He noted that the people who entered into this agreement saw that there might be the need for things like the sign. The Conservation easement could be used as an avenue of review for putting a sign in. He noted that the (physical) impact to the upland review area would be limited to two (2) feet (concrete) foundation for the sign base that overall would be eight (8) feet deep (2-sono-tubes). He also noted that everything above the sign base would not impact the wetlands or the upland review area. The type of Town that we are, being developed as we are, I think that we should be responsive to all of our property owners and business.

Chairman Block noted that what we need to address is whether or not as the Conservation Commission, we are willing to allow a sign to be erected. We are all citizens of this Town.

Chairman Block noted that the first motion that he would like to ask for would be as the Conservation)Commission), do we consent to the erection of a sign in the conservation easement? Commissioner Clark asked what application would end up needing a public hearing? Mr. Greenlaw responded the magic number is the number three (3). The Map Amendment is automatic. The other

three (3) are “If it is determined that the activity is determined to have a significant on the wetland; A petition from the public; and (if it is determined) to be of significant importance to the public”

Commissioner Clark noted that that there are residents in the Town who are aware of our short comings as far as natural areas. She thinks there is something where as far as aesthetics are concerned, the public might have more interested in the Town than might have been thought of perhaps (inaudible) years ago. So that it is this Commission that decides either the public come in with a petition saying that this item is of importance or we decide if the public should have a chance to speak on it.

Commissioner Zelek noted that right across the street from that sign is King Arthur’s Way. Those folks may want to express themselves. Whether or not it is up to us or the TP&Z, I would need some guidance on it.

Mr. Bongiovanni noted that it is a mandatory public hearing for planning and zoning for any pylon or street standing sign.

Chairman Block asked if the application has come up yet? Mr. Bongiovanni responded an application has been filed. He is not aware if it has come up yet.

Recording Secretary Arburr (with approval of the Chair) noted that Mr. Greenlaw was making reference to the Inland Wetland Regulations when the discussion was being focused under the hat of the Conservation Commission.

Commissioner Zelek (interrupted) and objected to the participation of the Recording Secretary and noted that he should that he should not participate. We look to Mr. Greenlaw for guidance in these matters. We just went through a public hearing that covered several months and the (temporary recording) secretary did not interrupt the proceedings. I like the way that public hearing went.

Chairman Block noted that we do not have any regulations on how to proceed as a Conservation Commission. Therefore, it is appropriate to use as a guide the procedures that we have as the Wetlands Commission. In this particular instance, I think it is of interest as to what the (Town) Planning and Zoning Commission position is going to be as to the sign size, elevation etc. If the Commission thinks that there is something of interest to the public or make sure they have the opportunity for input, but they choose, we can table the matter and schedule a public hearing if you desire. Commissioner Sidal noted that he is not in favor of a public hearing. We have enough information. We can vote on it. Commissioners Shapiro and Igielski also noted that no public hearing is necessary.

Chairman Block noted that it appears that three (3) are in favor and two (2) are against at this point, so the Chair concluded at this point the Commission can proceed.

Chairman Block asked for a motion as to the decision as the Conservation Commission as to grant consent to the erection of the sign within the conservation easement.

Commissioner Igielski made a motion that the Conservation Commission consent to the erection of a sign within the conservation easement area as to the feature of the sign as laid out in Application 2013-01 and motion was seconded was seconded by Commissioner Sidal. There was no discussion. Vote was 3 yes (Igielski, Sidal and Shapiro) 2 no (Clark and Zelek) and 1 abstention (Block).

Chairman Block noted now as sitting as the Inland Wetlands Commission

Mr. Greenlaw posed a question to the Chair. He noted the vote was 3 yes, 2 no and 1 abstention. He noted that per the Inland Wetland Regulations, four (4) votes are required to pass an action. What happens on the vote?

Commissioner Igielski responded yes.

Chairman Block noted that he did not think that there was any such determination for the Conservation Commission.

Commissioner Igielski noted that per the Internal Rules, four (4) votes are required to pass any action.

Commission went into recess at 8:45 p.m.

Commission came out of recess at 8:53 p.m.

Chairman Block noted that Mr. Greenlaw had noted that per the Internal Rules and Regulations, four (4) votes are required to pass an action. Therefore, this motion as the Conservation Commission fails. Now we have to vote as the Inland Wetlands Commission and one of the reasons which may be given for voting against the motion that as the Conservation Commission the motion was denied. There may be other reasons that should be stated on the record which may fall more directly under the Inland Wetlands Regulations in order to have a complete record.

Commissioner Zelek said that something tells him that we should not move any further because the application can not go any further because the Conservation Commission did not grant the easement.

Mr. Greenlaw in response to Mr. Zelek's statement logic would dictate that as the Conservation Commission, you would be making a motion as it pertains to the conservation easement was voted down. He consulted with the Town Attorney. He asked the question what if it's voted down? The Town Attorney responded that logic would dictate that you would probably find by default that this would be voted against for the second motion when you wear the hat of the Inland Wetlands Commission, but it would be prudent to state for the record that because of the Conservation Commission voted against it, but by the mere fact it is the opportunity for you to rule within your per view as the Wetland Commission and augment that vote with other additional concerns as it pertains to this specific activity for the installation of a sign. Under the conservation agreement, there were many things that they forbid without your expressed consent. Now you have built a record not only for the Conservation Commission but also for the Inlands Wetlands, that if one were to appeal, you would have all of the concerns together.

Commissioner Clark asked on the sign on the south side of the road: does the sign prominently display the words of Commerce Court? Chairman Block responded these are questions that would be under discussion before Planning and Zoning (Commission) as the base needs for the signage. Is there a motion to be presented?

Commissioner Zelek noted that he was showing Commissioner Clark the photograph of the intersection of Commerce Court and Fenn Road. The street sign for Fenn Road and Commerce is clearly defined.

Commissioner Clark, putting her hat on as a biologist that a bright white sign above any natural area will affect the (inaudible) period of the inhabitants in the area..

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Commissioner Igielski made a motion that based on the evidence before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2013-01 because the proposed activity will not have a major impact on the regulated area. Motion was seconded by Commissioner Sidal.

Chairman Block asked if there were any suggested conditions? Mr. Greenlaw responded yes.

Commissioner Igielski asked the Chair to call a vote on the motion.

Chairman Block re-read the motion into the record.

Vote was 3 yes (Igielski, Sidal and Shapiro), 3 no (Block, Clark and Zelek) and the motion failed.

Commissioner Sidal said lets move on.

ITEMM VI B

Application 2013-02; West of 655 New Britain Avenue

Mr. Adam T. Henry, P. G., LEP, and representing the applicant for the former Caval Tool and Machine Company at 655 New Britain Avenue entered the following remarks into the record:

- A. The applicant is the certifying party to see the requirements of the DEEP Remediation Program are carried out.
- B. It was noted that at last month's meeting the application is for the removal of contaminated soils at two (2) locations to the west of the property within the AMTRAK rail road right of way.
- C. The proposed activities are located in the upland review area.
- D. The scope of work would include the removal of soils which contain pollutants. Clean soils would be used as backfill material with a cover of wetland grass seed mixture.

Mr. Henry noted the following questions were raised at last month's meeting:

- A. What were the types of contaminants found in the soils? Mr. Henry responded petroleum hydro carbons, certain metals to include cadmium, chromium, copper and lead.
- B. How were the boundaries of the remedial areas designated and a request for the areas of the samplings? Mr. Henry responded that the remedial plan was submitted to DEEP in September 2012. The plan provides answers to the previously noted question.
- C. How did the previously noted contaminants migrate from the factory to the noted locations? Mr. Henry responded that waste water from the factory operations were directed into a large sump within the building and then discharged into the existing piping systems and ending up at the outlets under discussion. Information was submitted at last month's meeting that was collected in 2006 when the investigative work was done to include a study of all piping (listen to audio tape for the full details of his remarks).
- D. The north remediation area from the study was found to be connected only to roof drains. The study found that the roof drains had been disconnected and the system was found to be non-functioning.

Chairman Block asked if that is the cause; then where did the pollutants at the north end outlet come from? Mr. Henry responded from the parking lot and roof drains run off.

Chairman Block asked then there is no signature of the pollutants that were found at the south location? Mr. Henry responded no. We do not see what we observed at the south location. Each area has its own signature.

Chairman Block asked if the north site is actionable under the regulations for this program? Mr. Henry responded yes because we believe they represent a signature that seems to be different from what is being seen as background.

Chairman Block noted that if run off from the south outlet, may there be possible contamination to our wetland? Mr. Henry noted that it is difficult to say what is the cause. If you look south from the New Britain Avenue overpass, you will see a number of old rail road ties. The requirements of the program are to deal with the contaminants emanating from the (factory) building and/or parking lot. DEEP agrees with the findings of the consultant.

Chairman Block noted that down the road he does not want to make it easy for a future property owner to pollute the area again.

Mr. Henry noted that he feels that the proper action has taken to preclude a reoccurrence.

Commissioner Clark asked that when the remediation work is done; will there be any effort to time it so that it would not conflict with the wildlife life cycle? Mr. Henry responded that they would like to do the work in the dry season.

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Commissioner Igielski made a motion that based on the evidence before it, the Commission make a finding of fact that a public hearing is not necessary for Application 21013-02 because the proposed activities will not have a major impact or significant effect on the regulated area. Motion was seconded by Commissioner Zelek. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Mr. Greenlaw passed a list of suggested conditions to Commission members (listen to audio tape for the details of the discussion).

Commissioner Sidal asked if they (the applicant) go through the process and something goes wrong down the road, who would be held responsible? Chairman Block responded everyone in the chain of title is vulnerable to being liable.

Commissioner Igielski made a motion to issue permit by Summary Ruling for Application 2013-02 and subject to conditions (listen to audio tape for conditions). Motion was seconded by Commissioner Zelek. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. John Bachand, 56 Maple Hill Avenue presented a video report of Wetland 2 (overflow area) on Cedar Mountain (Toll Brothers) taken on Sunday March 10, 2013 (listen to audio tape for details of the verbal portion of his report).

COMMUNICATIONS AND REPORTS

MDC-UCONN Water Proposal---Attorney Chris Stone, Esquire, Assistant District Vice-Counsel for the MDC (Metropolitan District Commission), provides sewer and water service by charter to Hartford Metropolitan Hartford area. He noted that the Commission was approached by a consulting engineering firm retained by UCONN to study the future water needs of the university and surrounding area where development is planned. The Commission was requested to submit a proposal along with other parties to deliver 1.2 million gallons of water a day to the university. The project, if selected, would call for the installation of a new 18 mile pipe line from East Hartford to the Town of Mansfield. He also noted that the Commission has adequate water reserves to provide the requested service. Attorney Stone reviewed the History of the Commission (listen to audio tape for details of his remarks).

Vernal Pools---Commissioner Zelek suggested that the Commission, taking into account the recent Cedar Mountain application, consider an initiative on vernal pools for 2013. The Commission could as a starting point initiate an educational seminar on vernal pools (listen to audio tape for the details of his remarks). He noted that the CERT Report suggested that the Town do an inventory of vernal pools within its borders. It could serve as a basis to determine the best practices relative for future development around vernal pools. He also suggested that the Commission could reach out to the CERT Team for guidance on how to get started. (listen to audio tape for full details of his remarks).

Investigation/Seminar Geologic Infrastructure---Looking back with the recent application dealing with Cedar Mountain it would be to the benefit of the Commission to understand the geology of the area. Chairman Block wondered if the Commission should get involved in the subject matter. Commissioner Clark noted that a member of the public (during recent public hearing under public participation) noted that several professors have offered assistance (to the Commission).

Commissioner Sidal asked what is the status of the Toll Brothers decision? Chairman Block responded that he had been informed today that Toll Brothers has appealed the Commission's decision to the courts.

Commissioner Clark noted that per the video presentation made tonight that the Commission propose a Map Amendment that there exists a watercourse on Cedar Mountain (on the Toll Brothers property). Mr. Greenlaw said that the Commission should not get involved in this matter.

Commissioner Zelek asked why can't the Commission make a notation on the (Town) map relative to the existence of a (defined) overflow on Cedar Mountain (Toll Brothers property)? Chairman Block responded the Town Map is an official (document) and can't be altered even by a notation. Commissioner Shapiro noted that the Commission should not do anything at this time that may be associated with Cedar Mountain.

There was a discussion among Commission members on what to do with the unaccepted minutes for the Special Meeting of February 28, 2013 because one Commission member is waiting for a hard copy of the minutes from the Office of the Town Clerk (listen to audio tape for the details of the discussion).

Motion made by Commissioner Sidal to adjourn the meeting at 10:40 p.m. and was seconded by Commissioner Clark. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Sincerely;

Peter M. Arburr
Recording Secretary

Commission members
Tanya Lane, Town Clerk
John Salamone, Town Manager
Town Planner
Councilor Myra Cohen
Councilor David Nagel
Chairperson, Town Plan and Zoning Commission
Peter M. Boorman, esquire, Town attorney
Chris Greenlaw, Town Engineer
Lucy Robbins Wells Library (2)

